

The portion of the current rogue and vagabond statute that relates to buildings has been incorporated into the new section dealing with fourth degree burglary. See new § 32. The other provisions of the rogue and vagabond statute have been modernized. See new § 35.

Current provisions referring to an "accessory before the fact" or to "causing", "aiding", or "counselling" a burglary offense have been repealed. The Committee believes that the common law on accomplice liability adequately covers these types of actions. For future consideration, the Committee intends to study the option of establishing a general article-wide provision dealing with accomplice liability. This is consistent with the way in which accomplice liability was treated in the bill that revised the arson, and burning provisions of Article 27 of the Code. See Senate Bill 302/Chapter 228 (1993).

BURGLARY AND RELATED OFFENCES

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(A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BURGLAR'S TOOLS" MEANS:

(1) A PICKLOCK, KEY, CROWBAR, PRYBAR, JACK, OR BIT;

(2) NITROGLYCERINE, DYNAMITE, GUNPOWDER, OR OTHER EXPLOSIVE MATERIAL;

(3) AN ACETYLENE TORCH, ELECTRIC ARC, BURNING BAR, THERMAL LANCE, OXYGEN LANCE, OR SIMILAR DEVICE CAPABLE OF BURNING THROUGH METAL, CONCRETE, OR OTHER SOLID MATERIAL; OR

(4) ANY OTHER TOOL, INSTRUMENT, OR DEVICE THAT HAS BEEN ADAPTED, DESIGNED, OR USED FOR COMMITTING OR FACILITATING THE COMMISSION OF A BURGLARY OFFENSE.

(C) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 643B OF THIS ARTICLE.

(D) "BREAK", "ENTER", AND "DWELLING" RETAIN THEIR JUDICIALLY DETERMINED MEANINGS EXCEPT TO THE EXTENT THAT SUCH MEANINGS ARE EXPRESSLY OR BY IMPLICATION CHANGED IN THIS SUBHEADING.

(E) "STOREHOUSE" RETAINS ITS JUDICIALLY DETERMINED MEANING AND ALSO MEANS ANY BUILDING, OTHER CONSTRUCTION, OR WATERCRAFT, INCLUDING:

(1) ANY BARN, STABLE, GARAGE, PIER, WHARF, BOATHOUSE, AND ANY FACILITY ATTACHED TO A PIER OR WHARF;

(2) ANY SHOP, STOREROOM, WAREHOUSE, FACTORY, MILL, HOUSE OF WORSHIP, MEETINGHOUSE, COURTHOUSE, WORKHOUSE, SCHOOL, OR PUBLIC BUILDING; AND